

**Authority:** Item 6  
Planning Committee  
Report: 13-016 (PED13164)  
CM: October 23, 2013  
**Bill No. 261**

**CITY OF HAMILTON**

**BY-LAW NO. 13-261**

**To Amend Zoning By-law No. 3581-86 (Dundas)  
Respecting Lands Located at 16 and 22 King Street East**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Dundas" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3581-86 (Dundas) was enacted on the 22<sup>nd</sup> day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 6 of Report 13-016 of the Planning Committee, at its meeting held on the 23rd day of October, 2013, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

**AND WHEREAS** in accordance with the Planning Act, R.S.O., 1990, Section 39, Council may pass By-laws authorizing the temporary use of land, buildings, or structures for any purposes that is otherwise prohibited by the Zoning By-law;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton in accordance with the provisions of the Planning Act.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Schedule "A" (Central Business District), appended to and forming part of Zoning By-law No. 3581-86 (Dundas) is amended by changing the zoning from the Central Area Commercial "CAC/S-91" Zone to the Central Area Commercial "CAC/S-126" Zone, Modified, on the lands the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.
2. That Section 32: "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas) is hereby further amended by adding the following Sub-section:

"H-CAC/S-126" That notwithstanding the provisions of Section 18: Central Area Commercial (CAC) Zone, the following Special Provisions shall apply to lands known municipally as 16 and 22 King Street East, shown as "CAC/S-126" on Schedule "A".

- (i) Notwithstanding Section 18.1 Permitted Uses, Commercial uses shall be required along the King Street frontage.
- (ii) Notwithstanding Section 18.3.2 Regulations for Residential-Commercial Buildings, the following special regulations shall apply:

18.3.2 YARD REQUIREMENTS

18.3.2.1 FRONT YARD

- (i) 0.0m.
- (ii) 3.9m for the front principal wall of the building 16.5m and above in height.
- (iii) 6.5m for the front principle wall of the building 19.0m and above in height.

18.3.2.2 SIDE YARD  
Minimum: 0.16m.

18.3.2.3 REAR YARD  
Minimum: 1.08m.

18.3.3 GROSS FLOOR AREA

The total gross floor area of all buildings on a site shall not exceed 7,623 sq. m., provided that a minimum of 6.0 percent of the gross floor area shall be used for commercial purposes.

18.3.4 HEIGHT

Maximum: 25 metres (excluding an elevator bulkhead, which shall be a maximum of 2.5 metres in height).

18.3.5 LOT COVERAGE

Maximum: 97 percent.

18.3.6 FLOOR AREA

The minimum floor area per dwelling unit shall be as follows:

- (i) Studio dwelling units:  
36 sq. m.
- (ii) One-bedroom dwelling units:  
46 sq. m.

18.3.8 LANDSCAPED AREA

- (i) Minimum: 3.0 percent.

18.3.7 OFF-STREET PARKING

The provisions of Clause 18.2.4 shall apply, and no less than the number of parking spaces shall be provided in a lot:

- (i) 0.3 parking space shall be provided per unit for units 60 sq. m. or less;
- (ii) 1 parking space shall be provided per unit for units more than 60 sq. m.

#### 18.2.4.2 LOCATION

No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of not less than:

- (a)
    - (i) 0.0m from the front lot line.
    - (ii) 0.16m from the westerly side lot line.
    - (iii) 1.08m from the rear lot line.
    - (iv) 0.19m from the easterly side lot line.
  - (b) 3.0m from any public thoroughfare for only parking located at-grade.
- (iii) Notwithstanding Section 7.0 Regulations for Off-street Parking and Loading, the following special provisions shall apply:

#### 7.14 DIMENSIONS FOR THE DESIGN OF PARKING AREAS

- (i) No Parking Space shall be less than 2.6m in width by 5.5m in length, save and except for a Barrier Free Parking Space which shall be a minimum of 4.4m in width by 5.5m in length.
- (iv) A minimum of 50 percent of the area of the ground floor façade along the King Street West lot line shall be composed of windows and doors.

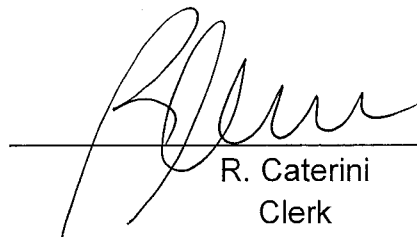
3. That By-law No. 3581-86 of the Town of Dundas Zoning By-law is amended by adding this By-law to Section 32 as Schedule "S-126".
4. That Schedule "A" (Central Business District) of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 2 of this By-law as "CAC/S-126".
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED** this 23rd day of October, 2013



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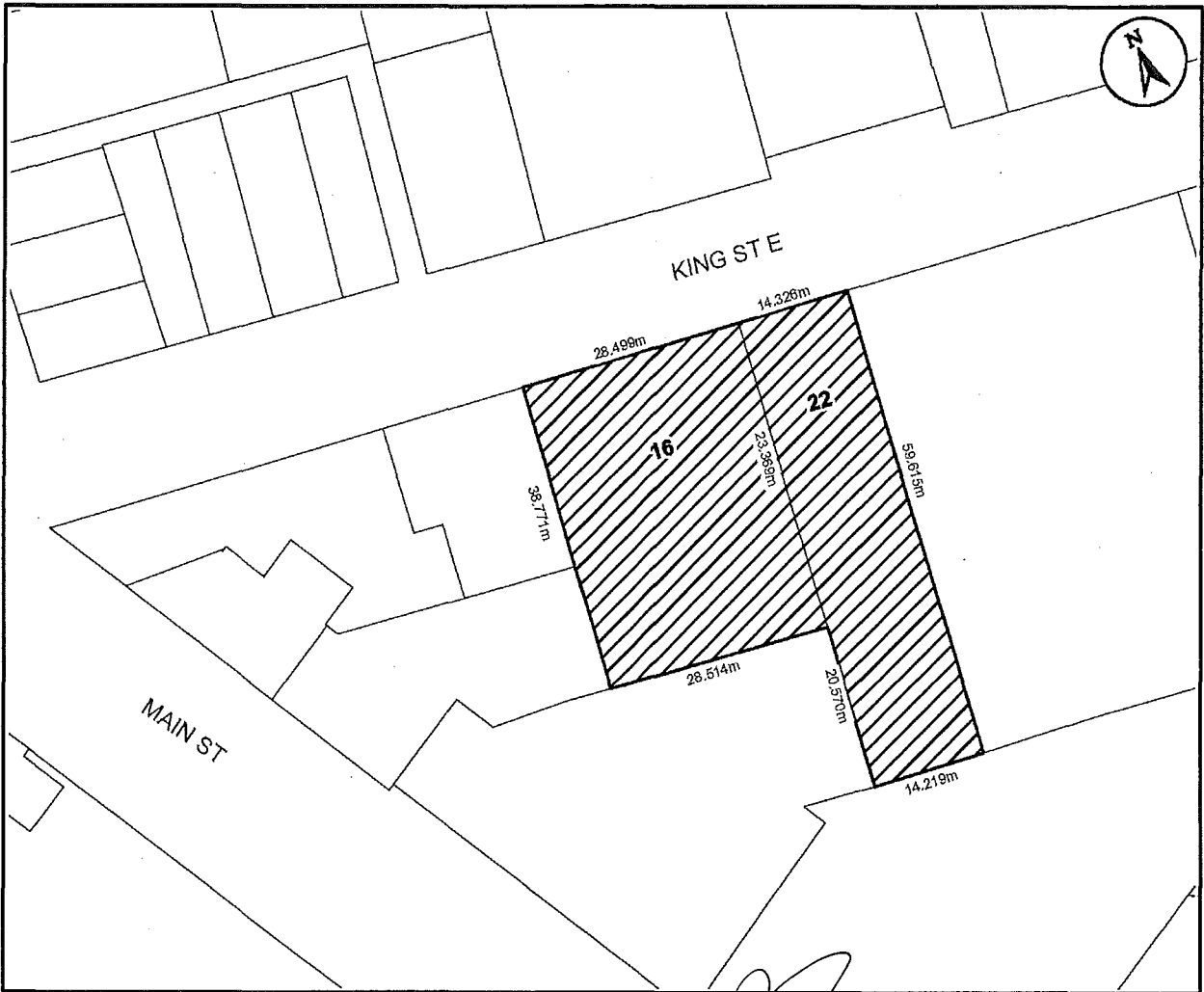
R. Bratina  
Mayor



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R. Caterini  
Clerk

ZAC-12-017



This is Schedule "A" to By-Law No. 13- 261

Passed the 23..... day of October....., 2013

*R. Spatina*  
Mayor  
*[Signature]*  
Clerk

**Schedule "A"**

Map Forming Part of  
By-Law No. 13- 261

to Amend By-law No. 3581-86

**Subject Property**

16 & 22 King Street East



Change in Zoning from the Central Area Commercial "CAC/S-91" Zone, modified, to the Central Area Commercial "CAC/S-126" Zone, modified

Scale:  
N.T.S.

File Name/Number:  
ZAC-12-017

Date:  
Oct. 16, 2013

Planner/Technician:  
TL/DB



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT